

## DECLARATION OF LAURA NELSON

1. My name is Laura Nelson. I am an Analyst in the Critical Inquiry Department for Humana Insurance Company ("HIC"). I am over 21 years of age, of sound mind, and capable of making this Declaration. I have never been convicted of a crime of moral turpitude. I have personal knowledge of all facts stated herein and affirm that they are true and correct.

2. Part of my job duties as an Analyst in the Critical Inquiry Department for HIC includes maintaining access to and analyzing the business records associated with the company and various group health plans sold and administered by HIC and Humana Health Plan of Texas, Inc. ("HHP Texas").

3. I have reviewed the following documents previously filed in this case as part of the Humana Defendants' Notice of Removal:

Exhibit G-5 HIC/HHP Texas Employer Group Application for El Centro Del Barrio, Dated May 11, 2011;

Exhibit G-6 HIC/HHP Texas Certificate of Coverage for Employer, El Centro Del Barrio; Group No. 585946, Effective July 1, 2011; and

Exhibit G-7 Medical Claims Information for Patient #2, one of four ERISA Health Plan Participants which form the basis of Plaintiff, Innova's claim.

4. By the group application identified as Exhibit G-5, El Centro Del Barrio purchased and enrolled in a group health plan, under Group No. 585946 with HIC and HHP Texas. As stated in the application, El Centro Del Barrio agreed to pay eighty (80%) of the insurance premiums charged for its enrolled employees. Further the Group Application for El Centro Del Barrio stated:

You, the participating employer, policyholder, contractholder, or group plan sponsor, intend to establish, sponsor, and endorse an employee

benefit plan which will be governed by Employee Retirement Income Security Act of 1974 (ERISA). You are the ERISA plan administrator.

The Application also states:

As claims administrator, we shall, in accordance with state and federal law, 1) interpret Policy, Group Plan, or Group Contract provisions, 2) make decisions regarding eligibility for coverage and benefits, and 3) resolve factual questions relating to coverage and benefits.

5. Patient #2 identified in Plaintiff's Original Petition in the case and as referenced in the Humana Defendants' Notice of Removal, is an El Centro Del Barrio employee whose health benefit claim is a part of the Plaintiff, Innova's claims in this case. Patient #2 was enrolled as a plan participant in HHP Texas Group No. 585946, being the Group Policy for El Centro Del Barrio.

I declare under penalty of perjury that the foregoing is true and correct.

Signed and dated this 21<sup>st</sup> day of January, 2014.



Laura Nelson,  
Analyst in the Critical Inquiry  
Department for Humana Insurance  
Company